

Fifth Circuit Court of Appeal
State of Louisiana

No. 26-K-330

STATE OF LOUISIANA

versus

CORNELL WOODS JR.

ON APPLICATION FOR SUPERVISORY REVIEW FROM THE TWENTY-FOURTH JUDICIAL
DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 25-3243, DIVISION "H"
HONORABLE DONALD L. FORET, JUDGE PRESIDING

September 11, 2026

SUSAN M. CHEHARDY
CHIEF JUDGE

Panel composed of Judges Susan M. Chehardy,
Jude G. Gravois, and Marc E. Johnson

WRIT DENIED

SMC
JGG

DISSENTS WITH REASONS

MEJ

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MORGAN NAQUIN
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CHEHARDY, C.J.

Defendant, Cornell Woods, Jr., seeks review of the trial court's June 24, 2026 denial of his motions to suppress evidence and statements. For the following reasons, the writ is denied.

On August 18, 2025, the Jefferson Parish District Attorney filed a bill of information charging defendant, Cornell L. Woods, Jr., with possession of a firearm by a convicted felon, in violation of La. R.S. 14:95.1 (count one), possession with intent to distribute a controlled dangerous substance, to wit: Tapentadol weighing 28 grams or greater, in violation of La. R.S. 40:967(A) (count two), and possession with intent to distribute a controlled dangerous substance, to wit: Tapentadol weighing less than 28 grams, in violation of La. R.S. 40:967(A) (count three).

On September 29, 2025, defendant filed a particularized motion to suppress physical evidence. In his motion to suppress evidence, defendant argued that the Tapentadol tablets found in the package on the passenger seat of the vehicle in which he was a passenger, the 45 tablets found in the package that was seized from his person, and the Glock pistol and ammunition recovered from beneath the passenger seat should be suppressed because at the time of the investigatory stop on July 23, 2025, the officers did not have reasonable suspicion under La. C.Cr.P. art. 215.1. Defendant also asked the trial court to suppress any derivative evidence, including statements or identifications that were obtained as a result of the unlawful stop.

At the suppression hearing, Detective Eliot Somen of the Kenner Police Department testified that on July 21, 2025, he received information from a confidential informant ("CI") that a package with a quantity of Tapentadol was shipped from India, a known source location for Tapentadol at the time, to 3309

Delaware in Kenner. Detective Somen further testified that the CI was a reliable source he had used in the past, and who had provided information that led to other drug seizures and arrests.

Detective Somen stated that he continued to track the package and prepare for its delivery at the location. He authored and submitted an anticipatory search warrant to recover the package. Detective Somen explained that if the package entered the “structure,” the search warrant would authorize him to go in and retrieve it. Detective Somen identified the search warrant and the application for the search warrant, which were admitted into evidence. He stated that the search warrant was dated July 22, 2025.

Detective Somen asserted that after the commissioner signed the search warrant, the officers established surveillance of the residence at 3309 Delaware. They noticed some individuals entering and exiting the house. At some point, they observed a postal worker delivering the package. Detective Somen explained that the package could fit in his hand or in his jeans pocket and was not exceptionally large. He stated that the package was large enough to hold 500 tablets of Tapentadol and was “fatter than a phone.” Once the package was delivered, a female from the residence went to the mailbox and took the package inside the residence. They continued to conduct surveillance of the residence. Approximately 20 minutes later, they saw a vehicle pull up and park across the street from the residence. Someone exited the passenger seat, quickly entered and exited the residence, and then got back into the vehicle. Detective Somen testified that they wondered if what they observed was related to the delivery of the Tapentadol. However, he stated that he did not see the package on the person who exited the residence.

Detective Somen stated that based on his experience investigating Tapentadol, and his previous seizures of approximately 10,000 Tapentadol tablets,

he knew that packages did not stay at the places where they were delivered.

Detective Somen explained that he decided to conduct an investigatory stop of the vehicle to see if anybody in the vehicle was related to the delivery of the Tapentadol. He wanted to make sure everyone was advised of their rights, then he asked them questions to determine whether the vehicle was involved.

Detective Somen testified that he followed the vehicle when it left the residence, and eventually he activated his lights and sirens, after which the vehicle stopped at Popeye's at 3444 Williams. Detective Somen subsequently exited his vehicle. Detective Somen recalled that Detective McCormick pulled up behind him to assist, because there was more than one person in the stopped vehicle. Detective Somen approached the driver's side, and Detective McCormick approached the passenger's side. They determined there were two occupants—Galiyah Thomas (the driver) and defendant (the passenger). Ms. Thomas initially provided a false name to Detective Somen. Detective Somen pointed out that he was equipped with a body-worn camera that should have captured their interaction. The detectives asked Defendant and Ms. Thomas to exit the vehicle. Detective Somen advised Ms. Thomas of her rights. He observed that Detective McCormick advised defendant of his rights. Both defendant and Ms. Thomas indicated they understood their rights and agreed to speak to the officers. Detective Somen asked them why they stopped at the house where they were coming from. Detective Somen stated that Ms. Thomas told him that she was just giving defendant a ride to that location.

Detective Somen testified that at some point afterward, he looked in the vehicle. He testified that he later found the package “with the same description, the tracking, and the, you know, foreign characters.” He pointed out that Detective McCormick saw the package first because he was on the passenger side of the vehicle. Detective Somen explained that the unopened box was on the passenger seat where defendant had been seated. He stated that he opened the box and found

the “500 Tapentadol.” He stated that Defendant claimed ownership of the Tapentadol and could not provide a valid prescription for it.

Detective Somen recalled that he asked Ms. Thomas for consent to search the vehicle. Ms. Thomas told him there was nothing illegal inside the vehicle and allowed him to investigate. Upon searching the vehicle, Detective Somen found a Glock 43X firearm under the front passenger seat. In the back of the vehicle, Detective Somen found a purse with a small amount of marijuana and Tapentadol. He stated that Ms. Thomas claimed responsibility for the purse, and defendant claimed responsibility for the gun. Detective Somen conducted an NCIC check on the gun and learned that it was stolen from the Baton Rouge area. He also ran a history on defendant, after which he learned that he was a convicted felon and that the prior conviction was for armed robbery.

Detective Somen asserted that before he searched the vehicle, defendant gave Detective McCormick consent to search his person, where he found “exposed blister packets” of Tapentadol. Detective Somen testified that he did not execute the search warrant for the residence because he already had retrieved the package “and more Tapentadol than was supposed to be delivered.”

Detective Somen asserted that he learned Ms. Thomas’s real name during booking, and she was re-read her rights. He identified the advice of rights forms for Ms. Thomas and defendant, respectively. Detective Somen testified that he completed applications for search warrants and thereafter obtained search warrants for defendant’s DNA and cell phone.

On cross-examination, Detective Somen admitted that he did not receive the names of defendant or Ms. Thomas from the CI nor a description of the person who was supposed to receive the package. He also did not receive a description of the vehicle in which defendant rode. Detective Somen testified that he did not observe defendant commit a traffic violation nor did he arrest him for one. He

stated that before he stopped defendant, he did not see him commit any crime.

After hearing arguments of counsel, the trial judge denied the motions to suppress evidence and statements without providing reasons.

In his writ application, defendant raises three assignments of error: 1) the trial court erred as a matter of law in denying his motion to suppress physical evidence because, at the moment the officers stopped the silver Nissan Sentra, they lacked reasonable, particularized, and articulable suspicion that he had committed, was committing, or was about to commit a criminal offense; 2) the trial court erred in finding that the CI's tip, as corroborated by police surveillance, supplied reasonable suspicion for the vehicle stop when the officers corroborated only innocent, readily observable details and did not independently corroborate criminal conduct or reliable predictive information; and 3) the trial court erred in failing to suppress the Tapentadol tablets, firearm, ammunition, statements, and all other derivative evidence as fruits of the unlawful investigatory stop.

Individuals are protected against unreasonable searches and seizures by the Fourth Amendment of the United States Constitution and Article I, § 5 of the Louisiana Constitution. *State v. Richardson*, 18-401 (La. App. 5 Cir. 2/6/19), 265 So.3d 1006, 1010. Pursuant to La. C.Cr.P. art. 215.1 and state and federal jurisprudence, law enforcement officers are permitted to stop and interrogate an individual in a public place when they reasonably suspect he is committing, has committed, or is about to commit an offense, and they may demand that the person identify himself and explain his actions. *Terry v. Ohio*, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968); *State v. Abrego*, 21-166 (La. App. 5 Cir. 12/1/21), 334 So.3d 883, 888, *writ denied*, 21-1949 (La. 2/22/22), 333 So.3d 450.

Reasonable suspicion, which is something less than probable cause to arrest, requires that police officers have sufficient knowledge of facts and circumstances to justify an infringement of the individual's right to be free from government

interference. *State v. Sam*, 05-88 (La. App. 5 Cir. 5/31/05), 905 So.2d 379, 383-84, *writ denied*, 05-2100 (La. 3/10/06), 925 So.2d 510. Police do not have to observe what they know to be criminal behavior before investigating. *State v. McKnight*, 22-499 (La. App. 5 Cir. 5/24/23), 366 So.3d 798, 804. The determination of reasonable grounds for an investigatory stop does not rest on the officer's subjective beliefs or attitudes but is dependent on an objective evaluation of all the circumstances known to the officer at the time of his challenged action. *Id.*

Evidence derived from an unreasonable search or seizure is subject to exclusion from trial. *State v. Boss*, 04-457 (La. App. 5 Cir. 10/26/04), 887 So.2d 581, 585. In a hearing on a motion to suppress evidence obtained without a warrant, the State bears the burden of proof in establishing its admissibility. La. C.Cr.P. art. 703(D); *State v. Morales*, 12-454 (La. App. 5 Cir. 12/18/12), 125 So.3d 1141, 1145. On appellate review, the trial court's ruling on a motion to suppress is afforded great discretion and is subject to the abuse of discretion standard of review. *Abrego*, 334 So.3d at 889. A reviewing court is to analyze the evidence in light of the totality of the circumstances, giving deference to the inferences and deductions of a trained police officer that might elude an untrained person. *McKnight*, 366 So.3d at 804.

An informant's tip may provide reasonable suspicion for an investigatory stop if the tip accurately predicts the suspect's future conduct in sufficient detail to support a reasonable belief that the informant possessed reliable information regarding the suspect's illegal activity. *State v. Francois*, 04-1147 (La. App. 5 Cir. 3/29/05), 900 So.2d 1005, 1010. The tip must also be corroborated by the police. *State v. Holmes*, 08-719 (La. App. 5 Cir. 3/10/09), 10 So.3d 274, 279, *writ denied*, 09-816 (La. 1/8/10), 24 So.3d 857 (citing *Alabama v. White*, 496 U.S. 325, 110

S.Ct. 2412, 110 L.Ed.2d 301 (1990)). If an informer's tip accurately predicts the offender's future behavior, it gains an additional modicum of reliability. *Id.*

Predictive ability is not always necessary; a non-predictive tip coupled with police corroboration or independent police observation of suspicious activity can provide the police with the requisite reasonable suspicion to detain a suspect. *See Francois*, 900 So.2d at 1010. An informant's past record for accuracy and reliability is another factor to consider when determining the reliability of the tip in question. *State v. Austin*, 04-993 (La. App. 5 Cir. 3/1/05), 900 So.2d 867, 879, *writ denied*, 05-830 (La. 11/28/05), 916 So.2d 143.

Whether an informant's tip establishes reasonable suspicion to conduct an investigatory stop is determined by analyzing the totality of the circumstances. *See State v. Barker*, 19-223 (La. App. 5 Cir. 12/11/19), 285 So.3d 581, 588 (citing *Illinois v. Gates*, 462 U.S. 213, 214, 103 S.Ct. 2317, 2320, 76 L.Ed.2d 527 (1983)). "If a tip has a relatively low degree of reliability, more information will be required to establish the requisite quantum of suspicion than would be required if the tip were more reliable." *Alabama v. White*, 496 U.S. at 330, 110 S.Ct. at 2416.

An officer may make a warrantless arrest when the officer has probable cause to believe that the person to be arrested has committed an offense. *Barker*, 285 So.3d at 589. Probable cause to arrest exists when the facts and circumstances known to the arresting officer are sufficient to justify a man of ordinary caution in believing that the person to be arrested has committed a crime or was committing a crime. *Id.*

The State has the burden of proving the admissibility of a purported confession or statement by the defendant. La. C.Cr.P. art. 703(D); *State v. Arias-Chavarria*, 10-116 (La. App. 5 Cir. 9/28/10), 49 So.3d 426, 433, *writ denied sub nom. State ex rel. Arias-Chavarria v. State*, 10-2432 (La. 2/25/11), 58 So.3d 460. Before an inculpatory statement made during a custodial interrogation may be

introduced into evidence, the State must prove, beyond a reasonable doubt, that the defendant was first advised of his *Miranda*¹ rights, that he voluntarily and intelligently waived them, and that the statement was made freely and voluntarily and not under the influence of fear, intimidation, menaces, threats, inducements, or promises. *Id.*

Spontaneous and voluntary statements, not given as a result of police interrogation or compelling influence, are admissible in evidence without *Miranda* warnings even where a defendant is in custody. *State v. Estes*, 14-781 (La. App. 5 Cir. 2/25/15), 168 So.3d 847, 860, *writ denied sub nom. State ex rel. Estes v. State*, 15-654 (La. 2/5/16), 186 So.3d 1164. Police officers are not obliged to ignore spontaneous and unsolicited statements by someone in custody, as long as the statements do not result from police-initiated custodial interrogation or questioning “reasonably likely to elicit an incriminating response.” *State in Interest of S.L.*, 11-883 (La. App. 5 Cir. 4/24/12), 94 So.3d 822, 836.

A determination of voluntariness is made on a case-by-case basis, depending on the totality of the facts and circumstances of each situation. *See Arias-Chavarria*, 49 So.3d at 433. The admissibility of a confession or statement is a determination for the trial judge, and the judge’s conclusions on the credibility and weight of the testimony relating to the voluntary nature of the confession or statement are entitled to great weight and will not be overturned unless unsupported by the evidence. *Id.* Testimony of the interviewing police officer alone may be sufficient proof that a defendant’s statements were freely and voluntarily given. *Id.*

¹ *Miranda v. Arizona*, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966).

At the suppression hearing, defense counsel argued that there was no reasonable suspicion for the stop and that “everything that happened” after the stop was fruit of the poisonous tree and should be suppressed.²

In *United States v. Garvey*, 2010 WL 3724696, at *1-6 (D.V.I. Sept. 17, 2010), an unidentified concerned citizen gave information to an FBI agent that a FedEx package containing marijuana was sent from El Paso, Texas, to Luis Castillo at Estate Diamond Ruby, Suite 7, in Christiansted, Virgin Islands. A USPS inspector identified the delivery address for the package as the Mailboxes N’ More (Mailboxes) in Christiansted. The citizen provided a tracking number, which was found in the United States Postal Service (USPS) database. On January 31, an agent verified the location of the package through the USPS website and learned the delivery of the 34-pound package would be around noon.

The officers began surveillance of Mailboxes that morning. At approximately 12:15 p.m., a USPS delivery van arrived at Mailboxes, and a postal worker unloaded several large boxes consistent with a 34-pound box. At approximately 1:00 p.m., officers observed an individual, later identified as Orlando Carino, exit a Honda, enter Mailboxes, and exit carrying a large box, which he placed in the back seat of the Honda. Carino departed and drove westward. The officers conducted a traffic stop on the Honda and questioned Carino about the package.³ Carino stated that he had picked up the package for Steve Garvey. Carino also consented to a search of the package. An agent examined the package and confirmed the address. The tracking number provided by the anonymous tipster was also found on the package, which contained 25

² “Fruit of the poisonous tree” is a figure of speech drawn from *Wong Sun v. United States*, 371 U.S. 471, 83 S.Ct. 407, 9 L.Ed.2d 441 (1963), in which the Supreme Court held that evidence and witnesses discovered as a result of a search in violation of the Fourth Amendment must be excluded from evidence. *State v. Bartie*, 19-1727 (La. 9/1/20), 340 So.3d 810, 815-16.

³ Although it was referred to as a traffic stop, the case does not indicate that the vehicle was stopped based on any traffic violations.

pounds of marijuana. A search of the vehicle also revealed a shotgun and ammunition. Carino was placed under arrest, after which he gave oral consent for the officers to search the package, his vehicle, and his four cell phones.

On appeal, Carino sought to suppress the evidence obtained from him pursuant to the stop of his vehicle, as well as statements he made to police following his arrest. The appellate court found that police had at least reasonable suspicion to believe that a package containing marijuana had arrived at Mailboxes on January 31. It also found sufficient indicia of reliability to provide reasonable suspicion to make the stop, including information that would not normally be available to any observer, such as the tracking number of the package, the place of origin, and the shipping address. Second, the tipster displayed knowledge of the package contents and familiarity with the outside of the package. The appellate court also noted that the tipster provided a tracking number, indicating that the tipster provided the tip after the package was sent. The court pointed out that the tipster correctly predicted that the package would arrive at the Virgin Islands address, which was the physical address of Mailboxes.

The *Garvey* court found that police were able to corroborate that a package with the same shipping number was shipped from the same location and to the same address as the tipster described. The appellate court concluded that the agent had at least reasonable suspicion to believe that one of the large packages delivered to Mailboxes contained marijuana and that Carino had picked up the package containing marijuana. It stated that police were reasonable in believing that the individual picking up the package containing marijuana was likely to pick up the package on the day that it was delivered, January 31.

The *Garvey* court noted that the agent was able to track the package online, and it was reasonable for him to believe that the package recipient was doing the same. The appellate court found that it was reasonable to think that someone

receiving a package containing drugs would be eager to retrieve it, and the temporal proximity between when the suspicious package was delivered, 12:15 p.m., and when the package was picked up, 1:00 p.m., provided additional grounds for the reasonableness of the stop. The appellate court concluded that under the totality of the circumstances, law enforcement had reasonable suspicion to perform a traffic stop on Carino.

We find, as in *Garvey*, that the officers here had reasonable suspicion to conduct an investigatory stop of the vehicle in which defendant was a passenger. Detective Somen received information from a CI that a package containing Tapentadol tablets was shipped from India, a known source location for Tapentadol at the time, to 3309 Delaware in Kenner. Detective Somen testified that the CI was a reliable source he had used in the past and that the CI had provided information that led to other drug seizures and arrests. An informant's past record for accuracy and reliability is a factor to be considered when determining the reliability of the tip in question. *See Austin*, 900 So.2d at 879. Detective Somen stated that he continued to track the package and prepared for its delivery.

As in *Garvey*, the CI in this case provided information not normally available to any observer, including the place of origin and the shipping address of the package. Detective Somen testified that he tracked the package and conducted surveillance of 3309 Delaware after receiving a tip that a parcel with tracking number LP091954821, containing Tapentadol, would be delivered to that address. While conducting surveillance, the officers observed a postal worker delivering the package. A female retrieved the package from the mailbox and went inside the residence. As in *Garvey*, the CI here correctly predicted that the package would arrive at the 3309 Delaware address.

Approximately twenty minutes after delivery, a vehicle pulled up and parked nearby, and a man, later identified as defendant, exited the passenger seat, went to

the residence, quickly entered and exited, and got back in the vehicle. Although the CI did not predict that defendant would pick up the package, a non-predictive tip coupled with police corroboration or independent police observation of suspicious activity may constitute the requisite reasonable suspicion to detain a suspect. *See Francois*, 900 So.2d at 1010. The fact that defendant briefly entered and exited the residence approximately twenty minutes after the package was delivered provides grounds for the reasonableness of the stop.

Detective Somen did not see defendant leave with a package; however, he indicated that the package was small and could fit in a person's hand or his pocket, unlike the package in *Garvey*, which weighed 34 pounds. But in *Garvey*, although the officers were not certain that the package the defendant picked up was the package they were tracking, the court found it was reasonable to believe that it was the same package. Detective Somen also testified that based on his experience investigating Tapentadol and his previous seizures of approximately 10,000 Tapentadol tablets, he knew that packages did not remain at the place of delivery.

Given these facts, the officers had reasonable suspicion to conduct an investigatory stop of the vehicle in which defendant was a passenger. Moreover, we find that the evidence seized and the statements made during the stop are admissible and not fruit of the poisonous tree.

Detective Somen stated that he and Detective McCormick advised Ms. Thomas and defendant of their rights, after which they agreed to speak to the detectives. Even assuming defendant and Ms. Thomas were in custody, the statements they made thereafter are admissible, as they were freely and voluntarily given following the advisal and waiver of their rights. *See Arias-Chavarria*, 49 So.3d at 433.

Additionally, defendant consented to the search of his person, where Detective McCormick found "blister packs" of Tapentadol. One of the specifically

established exceptions to the requirements of both a warrant and probable cause is a search conducted pursuant to consent. If the State relies on consent to justify a warrantless search, it has the burden of proving the consent was given freely and voluntarily. *Richardson*, 265 So.3d at 1012. Oral consent is sufficient and written consent is not required. *Id.* Here, because defendant orally consented to the search of his person, the detectives were allowed to seize the packet of Tapentadol.

Detective Somen also indicated that he and Detective McCormick saw the package on the front passenger seat in plain view, and that it matched the CI's description and had the same tracking number. The plain-view doctrine renders a warrantless search reasonable: (1) if the police officer is lawfully in the place from which he views the object; (2) where the object's incriminating character is immediately apparent; and (3) the officer has a lawful right of access to the object. *State v. Gilbert*, 23-121 (La. App. 5 Cir. 11/8/23), 377 So.3d 378, 387, *writ denied*, 23-1640 (La. 5/29/24), 385 So.3d 704 (citing *State v. Gray*, 13-1326 (La. 6/28/13), 122 So.3d 531, 533).

Here, because the detectives were lawfully in the place from which they viewed the package, and its incriminating character was immediately apparent, the detectives had the lawful right to seize it. Detective Somen testified that he opened the box and found "500 Tapentadol." He stated that defendant claimed ownership of the Tapentadol and could not provide a valid prescription for it.⁴ In any event,

⁴ Because defendant had Tapentadol on his person without a valid prescription, the detectives were allowed to arrest him and conduct a search incident to a lawful arrest, during which they can search the suspect's person and the area within his immediate control in order to remove weapons and prevent destruction of evidence. *See State v. Williams*, 24-568 (La. App. 5 Cir. 9/24/25), 423 So.3d 141, 160, *writ denied*, 25-01283 (La. 3/25/26), 428 So.3d 26. Further, under the well-established "automobile exception" to the warrant requirement, police officers who have probable cause to believe that a vehicle contains evidence of a crime may search it without first obtaining a warrant. *State v. Gale*, 26-242 (La. App. 5 Cir. 6/4/26), 2026 WL 1600553, at *2 (citing *United States v. Ross*, 456 U.S. 798, 102 S.Ct. 2157, 72 L.Ed.2d 572 (1982)). As such, the detectives also could have searched the vehicle because they had probable cause to believe it contained evidence of a crime, based on their finding Tapentadol on defendant's person.

Ms. Thomas gave the detectives consent to search the vehicle. *See Richardson*, 265 So.3d at 1012.

Detective Somen also testified that upon searching the vehicle, he found a Glock firearm under the front passenger seat, and a purse with a small amount of marijuana and Tapentadol in the back of the car. Detective Somen further testified that defendant claimed responsibility for the gun and that Ms. Thomas claimed responsibility for the purse and its contents. As seen above, these statements are admissible.

Given the totality of the circumstances, the officers had reasonable suspicion to conduct an investigatory stop of the vehicle in which defendant was a passenger, the drugs and gun found after the stop were lawfully seized, and defendant's statements were lawfully made. Finding no error in the trial court's judgment denying the motions to suppress evidence and statements, the writ application is denied.

WRIT DENIED

Fifth Circuit Court of Appeal

State of Louisiana

No. 26-K-330

STATE OF LOUISIANA

VERSUS

CORNELL WOODS JR.

JOHNSON, J., DISSENTS WITH REASONS

I, respectfully, dissent from the majority disposition in this matter. After review, I find that the trial court abused its discretion by denying Defendant's motions to suppress evidence and statements. The evidence presented during the suppression hearing does not show anything connecting Defendant to the package of Tapentadol that the detective was tracking before the investigatory stop. Detective Eliot Somen testified that he did not see Defendant leave the residence with the package, which distinguishes this matter from *United States v. Garvey*, 2010 WL 3724696, at *1-6 (D.V.I. Sept. 17, 2010). Also, Detective Somen admitted that he neither received the names of Defendant or Galiyah Thomas from the CI nor a description of the person who was supposed to receive the package. However, Detective Somen personally observed a female, not Defendant or Ms. Thomas, retrieve the package. Further, Detective Somen stated that he did not receive any information about the vehicle transporting Defendant. Additionally, Detective Somen testified that he did not observe the vehicle commit a traffic violation; and prior to stopping the vehicle, he did not see Defendant commit any crime.

Detective Somen testified that the purpose for stopping the vehicle was “to see if anybody was potentially related” to the package. Although a non-predictive tip coupled with independent police observation of suspicious activity may constitute the requisite reasonable suspicion to detain a suspect,¹ Detective Somen did not testify to observing any suspicious activity done by Defendant or Ms. Thomas. Ultimately, Detective Somen had no predictive information about Defendant or the vehicle transporting him, and he did not observe any corroborating suspicious activity by either Defendant or Ms. Thomas. The stop was no more than a fishing expedition.

Therefore, I find that the record fails to show that Detective Somen had the requisite reasonable suspicion to conduct an investigatory stop of the vehicle. Consequently, the evidence seized and statements made during the stop are fruit of the poisonous tree and are inadmissible. Accordingly, I would grant the writ application and reverse the trial court’s denials of the motions to suppress evidence and statements.

¹ See, *State v. Francois*, 04-1147 (La. App. 5 Cir. 3/29/05), 900 So.2d 1005, 1010.

SUSAN M. CHEHARDY
CHIEF JUDGE

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JUDE G. GRAVOIS
MARC E. JOHNSON
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NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED
IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY
SEPTEMBER 11, 2026 TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL
PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

26-K-330

E-NOTIFIED

24TH JUDICIAL DISTRICT COURT (CLERK)
HONORABLE DONALD L. FORET (DISTRICT JUDGE)
ERIC E. MALVEAU (RELATOR) DARREN A. ALLEMAND (RESPONDENT) LASHANDA WEBB (RESPONDENT)

MAILED